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LEGAL STATUS OF PATENTS,

BY

THOS. B. ^{and} HALL,
" "

PATENT ATTORNEY,

Brainard Building, North Side of Public Square,

CLEVELAND, O.

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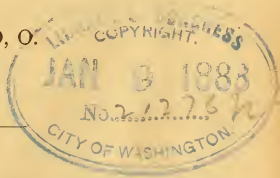
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THE VALID SCOPE OF CLAIMS.

Our Patent Office has the most systematic method as yet adopted in any country, for examining applications for patents. The corps of a hundred Examiners is practically a body of judges. Of legal culture, and respectively trained in scientific specialties, they subject their cases to a rigid ordeal.

An Examiner must familiarize himself with all the inventions that have been made in his class. Their great number and complexity have rendered the study of them a profession to be acquired by years of labor. An Examiner's decisions involve nice questions of law, of science, and of mechanics. The more recondite principles upon which depend the practical success of processes and machinery, must be familiar to him. Large amounts of property often depend directly or indirectly upon his action. The ability and acquirements necessary to the proper discharge of his duties, must be of a high order—scarcely less than those we expect in a judge of the higher courts of law.

*Report of the Commissioner of
Patents for the year 1868.*

In acting on a case, the Examiner to whom it is assigned, institutes an exhaustive search for reasons on which a rejection thereof should be based. These reasons are submitted to the Principal Examiner for his consideration; and the decision rejecting any or all the claims, is indorsed by him.

About fifteen per cent. of completed applications are, after examination, allowed without objection. In most applications, there occur one, two, or more rejections.

*Report of the Commissioner of
Patents for the year 1878.*

Argument in replication to the rejection may be filed by applicants' Attorney; and it rests with the Principal Examiner to sit as a judicial officer on the merits of the case. The usual procedure in an able prosecution of a case is substantially as follows: The claims, or at least the strong ones, are rejected on the first examination of the office. The cause of this is two-fold. First, the Attorney is inclined to claim a wide field for the invention, and throws on the Examiner the burden of showing that it should be restricted to any less area: second, the Examiner by reason of his position, is inclined to narrow this view of the invention, and solves all doubts in favor of the public. He cites specific patents showing devices or methods which he holds to be of such character, as to prevent anchoring the invention to ground so secure as that which the claims lay hold on. The burden of proof is thus shifted, and it now devolves on the Attorney to show that the claims are allowable, notwithstanding such previous devices or methods. He examines the different reasons of rejection, and ascertains to what

extent they lawfully avail against the issuance of the claims. He amends the case in such particulars as he may find necessary; and as regards other points, he files a written argument, setting forth the differences between the references and the claimed invention. The advantage of such differences is explained; and reasons in law for a favorable reconsideration are urged. This is usually the opening in a discussion between the Examiner, on the one hand, to limit the breadth of the claims to his construction of the legal premises; and the Attorney, on the other hand, to maintain a wide range of the claims, according to his understanding of court and office decisions in like previous cases. Additional references and reasons of rejection are brought forward, by the Examiner, as he may find that the previous ones do not avail in view of any amendment and argument. While, in replication to each adverse decision, the Attorney files appropriate papers for a reconsideration and favorable decision. Should the Principal Examiner at any time during these proceedings, pass judgment that the amendment and argument last filed, do not clear the case from the grounds of rejection declared in the previous decision, the matter can then be heard only by the Board of Appeals. One hearing before this tribunal is permitted: if adverse, the case can have a single hearing before the Commissioner in person; then, appeal lies to the Courts. But few applications, however, pass through such a procedure. It is the exception to a general rule, whenever appeal from the Principal Examiner becomes necessary. The arguments used on appeal, the arguments and amendments used before the Principal Examiner, the decisions of the latter, and of each appellate tribunal, are all filed for the informa-

tion of the office and the public ; as the practical value of the patent may in future call for an examination of its strength and validity. This file constitutes a mine of scientific facts and legal reasons, testifying to the depth of the patent. It is referred to by subsequent office Examiners, by parties desiring to license or purchase rights, by some seeking to evade the claims, and by others who may be notified of infringement, or involved in litigation with the patent. Hence in the prosecution of a case, the Patent Office requires all amendments and arguments to be presented in written or printed form, and filed under the office stamp ; and no decision is rendered except in writing, and as part of the judicial record. Various causes may be assigned for the many patented claims, which on being submitted to court judgment, are held to cover less area of invention than their owners thought. But the controlling factor in working out this result, is the adoption of inferior claims after the first one or two office rejections. New arrays of references, and fresh series of objections, find strong lodgment: the contest for broad claim is given up, and such as insures immediate allowance of the case is substituted. Claims not wrought out through successive hearings and hammerings, in the forge of a hot prosecution, are apt to prove weak. And it remains for Courts to protect the limited invention thus secured.

Courts can not make a new specification, with claims stronger or broader than the patent presents.

Sickles vs. Gloucester Mfg. Co.

U. S. Court Decisions.

Each one of the several claims of a patent covers in law, as separate and independent an invention as if it constituted a patent by itself. For instance, a stove may possibly have half a dozen peculiarities of structure, each of which is claimed in the patent thereon. The latter would, in such instance, protect six different forms of stoves. If, however, the patent had issued with but one claim on this stove, other parties could make five different kinds of stoves, each kind possessing one or more peculiarities of the stove shown and described in the patent; and yet not one of the five kinds, would be an infringement of the patent. It avails nothing to set forth a feature in the structure of an article, unless such feature is distinctively claimed.

The scope of letters patent is limited to the invention covered by the claim, and can not be enlarged by the language used in other parts of the specification. An inventor can not go beyond what he has claimed, and insist that his patent covers something not claimed, merely because it is to be found in the drawings and the descriptive part of the specification.

Lehigh Valley R. R. Co. et al. vs. Mellon et al.
Supreme Court of the United States, 1881.

• As any question of Infringement arises, the owner of the patent places the latter, and a copy of the device which is thought to trespass on his rights, in the hands of an attorney. So too, the manufacturer notified to desist making or using a certain device, submits the latter and a copy of the threatening patent, to his attorney. In either instance,

Counsel puts the claims in question to a crucial test. Every patent on this class of devices granted previously to the patent in hand, is subjected to careful scrutiny. And in proportion to the amount of labor warranted in the premises, search is extended in other quarters. It is not expected to find a duplicate of the patented invention which has been submitted; but to reveal the advance made by its author, in the line of mechanical progress.

To determine the extent of the invention patented in a claim, the state of the art at the time when the invention was made, must be considered.

Garneau vs. Dozier, Weyl & Co.
Supreme Court of the United States, 1880.

Judgment will then decide, what elements recited in the respective claims constitute vital parts of the principle of the invention ; and what elements, are only the incidents of this principle. The law of mechanical equivalents will determine whether certain forms of mechanism may be used in substitution for the particular forms set forth in the patent, and leave the latter as binding as though such change had not been made. Both of these considerations will be held in connection with the special language of the claims, and in connection with the state of the art prior to the patented invention.

A patentee is entitled to suppress every other mechanism of substantially the same parts, to produce substantially

the same results : and he is entitled to mechanical equivalents, within the judicial construction of that term.

Gould vs. Rees.

Supreme Court of the United States, 1872.

That two machines produce the same effect, will not justify the assumption that they are substantially the same, or that the mechanism of the one is an equivalent of the other. Every man has a right to evade a previous patent, provided he does not invade the rights established by its claims.

Burr vs. Duryee.

Supreme Court of the United States, 1863.

Each patentee is liable to all prior patentees to the extent to which he adopts their principles of invention, in making a device which embodies his patented improvement

Collignon et al. vs. Hayes.

Warth vs. Browning et al.

U. S. Court Decisions.

THE LAW OF REISSUE.

The powers of the Patent Office are derived from certain statutes. It is well known, however, that until the highest court has construed the terms of any statute, the meaning thereof is not definite. Hence the Patent Office, in attempting to carry out the provisions of the statute on which the reissue of patents is based, was obliged to adopt its own construction thereof. Then, as reissued patents find their way up through the lower tribunals to the Supreme Court, the latter confirms or condemns this office construction. In such points as the court may hold that the office interpreted the statute aright, their decisions do not require any change to be made in the office practice. But in such points as they may hold the office to have erred, the practice of the latter will be changed to conform to the views of the court. And thus, through time, the office practice becomes moulded and established by the decisions of that tribunal which determines law. The construction originally placed by the Patent Office on the reissue statute, was as follows: If an original patent could, at the time of its grant, have legally issued with broader claim than it in fact did, it might be surrendered, and a reissue would be granted having such broad claim. Any feature of invention shown in model or drawings of the original patent, or described in its specification,

and which was either omitted from the claims thereof, or inadequately protected thereby, could be covered in the reissue. Hence the latter could claim an invention as perfectly as the original patent could have done, had it been properly taken. It was immaterial if the claim sought for in the reissue application, had been sought for, and rejected by the office during the prosecution of the application for the original patent. It was likewise a matter of no consequence, how long the original patent had been in existence prior to the application for its reissue. The majority of patented inventions on which suits were to be brought, were in accordance with this practice, reissued in order to have the claims cover their broad principles. The Supreme Court have, however, lately had several of these reissues in hearing; and in passing judgment thereon, they have laid down certain principles of construction which now prevail in interpreting the statute. In declaring the invalidity of the particular reissues before them, they condemn the previous practice of the Patent Office as regards two points. The first point relates to a reissue being granted with a claim substantially the same as was presented in the application for the original patent, and which was erased therefrom when the office rejected it. The court holds that it is questionable whether, under such circumstances, a reissue can be sustained.

If in any case where an applicant for a patent, in order to obtain the issue thereof, disclaims a particular invention, or acquiesces in the rejection of a claim thereto, a reissue containing such claim is valid, (which we greatly doubt,) it certainly cannot be sustained in this case. The allow-

ance of claims once formally abandoned by the applicant in order to get his patent through, is the occasion of immense frauds against the public. Under such circumstances, the omission of the claim can in no just sense be regarded as a matter of inadvertence or mistake; and even if it were such, the applicant should seem to be estopped from setting it up on an application for a reissue.

Leggett et al. vs. Avery et al.

Supreme Court of the United States, October Term, 1879.

Indeed, we have heretofore expressed doubts whether re-issued letters patent can be sustained in any case, where they contain claims that were sought for in the application for the original patent; and which were rejected by the office, and the patentee consented to such rejection in order to obtain his letters patent.

Goodyear Dental Vulcanite Co. vs. Davis.

Supreme Court of the United States, 1880.

The second point of error in the former office practice, relates to granting a re-issue without consideration of the length of time which the original patent has run, before the application for its reissue is filed. This point was first passed upon by the Supreme Court in January, 1882; and the reissue before them was declared invalid, because the circumstances of the case did not justify the length of time which elapsed between the grant of the original patent and the application for its re-issue. The doctrine was set forth, that such parts of a process or machine as are not covered by the claim of the original patent, are presumptively dedi-

cated to the public. But that such presumption may be rebutted, and a re-issue be granted to remedy the defects of claim in the original patent: provided the owner of the latter proves that said defects resulted from unavoidable causes, and that as soon as these defects were discovered, he made immediate application for a reissue.

If a patentee who has no corrections to suggest in his specification, except to make his claim broader and more comprehensive, uses due diligence in returning to the Patent Office, and shows how such mistake occurred, his application for re-issue may be entertained. But it must be remembered, that the claim of a specific device or combination, and an omission to claim other devices or combinations of the original patent, are in law a dedication to the public of that which is not claimed. And the legal effect of the said patent can not be revoked, unless the patentee surrenders it, and proves that the specification was so framed by real inadvertence, accident or mistake, and this should be done with all due diligence and speed.

Miller & Co. vs. The Bridgeport Brass Co.

Supreme Court of the United States, Jan'y 9th, 1882.

When the original patent does not contain certain broad claims, the patentee, if he is the inventor of such subject matter, should use due diligence in surrendering the patent and having the error corrected. The right to a reissue was abandoned and lost by unreasonable delay.

Matthews et al. vs. The Boston Machine Co. et al.

Supreme Court of the United States, March 27th, 1882.

FOREIGN SYSTEMS.

The countries in which American Invention usually seeks protection other than at home, are Canada, Great Britain, France, Belgium, and Germany. Their respective patent systems differ widely from each other, and also from ours. None of them, excepting that of Canada, have provision for curing a defective patent. All make the lives of their patents dependent on certain conditions, to which patents in our country are not subject. If a foreign patent is granted, previously to the United States patent on the same invention, our law then makes its patent dependent on the life of said foreign patent.

Every patent granted for an invention which has been previously patented in a foreign country, shall be so limited as to expire at the same time with the foreign patent.

Section 4887 U. S. Revised Statutes.

Hence, if the foreign application is filed at a date which causes its patent to have legal existence, prior to the legal existence of the United States patent: the duration of the latter is subject to abridgment, notwithstanding the length of term set forth in its grant.

The term or duration of a patent must be determined by the statute and all the facts of the case, and not merely by the terms of the grant in the patent.

Henry vs. The Providence Tool Co.

Reissner vs. Sharp.

DeFlorez et. al. vs. Raynolds et. al.

U. S. Court Decisions 1878, 79, '80.

It so happened that in each of these cases, the application for the United States patent had been filed at a date subsequent to the grant of the foreign patent. But in 1880, our Patent Office ruled as to the term for which it should grant a patent, if the application is filed at a date prior to the date of the foreign patent, though the patent itself does not bear date till subsequent to the date of the foreign patent.

A foreign patent granted after the patentee files his American application, but before he obtains his patent, does not limit the term of the American patent.

Exparte Mann.

Commissioners Decisions 1880.

But recently, a patent granted in accordance with such doctrine came before a court, and the ruling of the Patent Office was disapproved. In deciding against the patent, the court held that if the foreign patent bore date prior to the date of the United States patent, the latter, even though its application was first filed, expired at the same time that such foreign patent expired.

But the counsel for the complainant contends that the present case does not fall within the limitation of the statute,

because the application of the United States patent was filed antecedent to the application for, or the grant of the Canadian patent. We are at a loss to understand what the time of filing the application, has to do with the matter.

Bate Refrigerating Co. vs. Gillett

U. S. Court Decisions, 1882.

The distinctive Laws of each Foreign System, governing the dating of a patent, providing conditions for its duration, and declaring grounds for the forfeiture of its grant, are hereinafter set forth. Great Britain, France and Belgium do not examine the merits of an alleged invention, but each issues a patent according to the form which the application papers present. Question as regards the right of a party to the claims thus patented, is wholly reserved for the courts to settle, as business developments may throw conflicting interests into litigation. The alleged invention may have been previously patented in the same country; may have been public property therein; or for other reason, may present matter which can only result in an inoperative grant: but a patent would issue as if of legal force. The preparation of an application under such circumstances, calls for trained care. The hazard being, that the resulting patent may have one or more vulnerable points, in view of which, Counsel will advise manufacturers that it is invalid, and a Court finally sustains such opinion. Another feature in the respective systems of Great Britain, France and Belgium is, that an application may be skillfully prepared, so that a single sound patent will cover subject matter which, according to the systems of Germany, Canada and our country, would necessitate

expense of two or more independent patents. Canadian papers are executed by the applicant. The other countries require only a power of attorney; except Great Britain, which does not call for any authorization from the inventor. Models are not required in any instances, excepting in German applications on firearms, and in all Canadian applications. In the latter, however, the model need not be filed, if so desired, until the case has been allowed. Certain detail matter of the several systems is as follows:

CANADA.

Examination of applications, and restriction of claims prevails. The inventor must not have consented to public use or sale of his invention in Canada, for a period longer than one year previous to his application for patent therein. If the invention is first patented in another country, any party who previously to the Canadian application, commences to manufacture the invention in Canada, may continue to manufacture and sell the same, notwithstanding the subsequent issue of the Canadian patent. But a valid patent cannot be granted, if the invention has been patented in another country for more than one year previous to date of application for Canadian patent. A patent expires with the expiration of any foreign patent on the same invention. Certain statutes recite that a patent will be forfeited:

First, if the Patentee should not within two years from date of patent, manufacture the invention in Canada; and afterwards, continuously in such manner that any person desiring to use it, may obtain or have it made for him at a reasonable price: Second, if after the expiration

of twelve months from date of patent, the Patentee should import the patented article into Canada. But if the Patentee has been unable to manufacture the invention within the two years, he may within three months prior to the expiration of that period, show cause for and obtain an extension (usually of one year) within which to commence manufacturing. And the Patentee may, within three months prior to the expiration of the twelve months referred to in the second ground of forfeiture, show cause for and obtain an extension of an additional twelve months, during which he may import the patented article into Canada.

Section 23, Sub-Sections 2 and 3, Act of 1872.

A test case brought before the highest tribunal, has interpreted these statutes. In regard to the first ground of forfeiture, the judicial construction is that the patentee must within two years from date of patent (or within the extension of this period), be willing to manufacture the patented article in Canada for any person, or to license the latter to so manufacture, provided he makes a fair business offer.

Therefore, the real meaning of the law is that the patentee must be ready, either to furnish the article himself, or to license the right of using on reasonable terms, to any person desiring to use it. But again, that desire on the part of such a person is not intended to mean a mere operation or motion of the mind or of the tongue ; but in effect, a

bonafide serious and substantial proposal, the offer of a fair bargain accompanied with payment. As long as the patentee has been in a position to hear and acquiesce in such demand, and has not refused such a fair bargain proposed to him, he has not forfeited his rights.

Barter vs. Smith

Patent Test Case, 1877.

In regard to the second ground of forfeiture, the judicial construction is that the patentee must not, after twelve months from date of patent (or after the extension of this period), import the patented article into Canada to such an extent as to injure Canadian industry.

It is clear that the patentee's importation did not cause any appreciable injury to Canadian industry, but had for its object to bring the merits of the patent before the Canadian public; the conclusion therefore, is that he did not forfeit his patent,

Barter vs. Smith.

Patent Test Case, 1877.

GREAT BRITAIN.

The patented invention must not have been publicly known within her realm, at the time of the application. Legal title to a patent, provided the foregoing requirement is fulfilled, may vest in any person who first made application; it being immaterial whether such person was or was not the owner of the invention. There are two modes of application. One is to secure at the outset, the complete

patent. The other is to obtain at first a provisional patent, which extends for six months: and before expiration of that term, supplement the procedure by taking out the complete patent. This latter course, aside from the division of fees, permits applicant to introduce in the final papers, any new forms of his invention not contemplated when he filed the first papers. Recent decisions however, hold that when two applicants are contesting for a patent on the same invention, the one who first pays in the complete fees, so as to get the earliest date of the great seal, becomes the patentee, even though his competitor may have first applied for the patent. The Patent Office advertises each application for twenty-one days, and then grants a hearing to those who may show cause for refusing the grant of the patent. Applicant's Attorney has a hearing in rebuttal to such cause. The grant covers a term of fourteen years; but if the invention had previously been patented in another country, the British patent expires with the expiration of such other patent. A tax of fifty pounds is due before the termination of the third year; and a second tax of one hundred pounds is due before the termination of the seventh year. There is no requirement as to working the invention. The provisional patent dates back to, and has legal existence from the day that its application was filed. The same rule applies to the complete patent.

FRANCE.

Courts will not consider a patent as valid, if previously to the application, publicity has been given to the invention. Provision is made for cases in which inventions have first been patented in other countries, as follows:

The author of an invention or discovery already patented abroad, may obtain a patent in France ; but the duration of such patent cannot exceed that of the patents previously obtained abroad.

Article 29, Act of 1844.

Certain statutes recite that a patentee will forfeit his grant :

If he shall not have worked the invention in France within two years from the date of the signature, or if he shall suspend his operations for two consecutive years, unless he can show cause for such inactivity. Also, if he shall import into France, articles manufactured in foreign countries, similar to those guaranteed by his patent.

Article 32, Act of 1844.

As regards the first of the above grounds of forfeiture, French Jurisprudence construes it as follows: A patentee must not after two years from date of patent, remain in willing inactivity; but he must endeavor to introduce the invention into practical use in France.

The tribunals will appreciate according to circumstances, if the reasons of not working are sufficiently justifiable.

Renouard—Traité des Brevets d'Invention, p. 243.

The spirit of the law is therefore clear. It intends to punish only voluntary, premeditated, and calculated inactivity. The law wishes to punish for inaction, only the one who has willingly remained idle.

Bédarride—Vol. 1. p. 450.

As regards the other ground of forfeiture, authorities construe it, that the patentee must not import the patented article into France to such an extent as to injure the industry of the country.

Judicial authority refuses to apply the penalty of forfeiture, when the importation, although not [authorized,] is not in its nature susceptible of damaging national labor.

Bédarride—Vol 1., p., 455.

Court of Douai, 1846.

Court of Paris, 1855.

The term of the patent is fifteen years. A tax of about twenty dollars is due for the second, and each succeeding year. The patent dates back to, and has legal existence from the day that its application was filed.

BELGIUM.

A publication of the invention in her country, previous to the application, prevents the issue of a valid patent. But if the invention is previously patented in another country, and this patent reaches Belgium before application is there made, it is excepted from the above rule. The patented invention must be worked in Belgium, within one year (or an extension thereof) from the date that it is worked elsewhere; such working must not at any time thereafter cease for an entire year, if during that time the invention is being worked elsewhere, unless the possessor of the patent shall be able to justify the motives of his inaction. The patent term covers twenty years; but it expires with

the expiration of any patent on the same invention, previously granted in another country. A tax of nearly four dollars is due the second year; and each succeeding year, this tax increases by nearly two dollars. The patent dates back to, and has legal existence from the day that its application was filed.

GERMANY.

Within the last few years, the German office have adopted a system of rigorous examination. For two months following each application, the office invites the public to show cause why a patent should not issue. Applicant's Attorney has a hearing in rebuttal to such cause. The invention must not have been described in a printed publication, or have been brought into publicity in Germany, prior to the application. The patent can be repealed after the term of three years: first, if the patentee neglects to do everything requisite for the introduction of the invention in the country; second, if it appears requisite to the public interest that others should obtain license to use the invention, and the patentee refuses to grant such license, for a reasonable consideration and sufficient security. The grant of the patent is for a term of fifteen years. Within the first three months of the second year, and of each succeeding year, a tax of about thirteen dollars is due. The patent dates back to, and has legal existence from the day after the day on which its application was filed.

CLEVELAND, O., December 31st, 1881.

THOS. B. HALL, Esq., has long been associated with us as an Attorney, and we always found him able and efficient in his profession. I take pleasure in recommending him.

M. D. LEGGETT,

(Formerly Commissioner of Patents)

The fees for Infringement Opinions, and Reports as to valid scope of Patents, vary with the work required in the premises.

An estimate will be given as each matter may be submitted.

WASHINGTON, D. C., February 9th, 1882.

MR. THOS. B. HALL, has been several years engaged in business as a Solicitor of Patents, and is personally known to me. I believe him to be thoroughly capable, industrious and honest.

ELLIS SPEAR,

(Late Commissioner of Patents.)

COSTS.

United States Letters Patent	\$60 00
“ Re-issue “	60 00
“ Design “	25 00
“ Caveat Filing	25 00
“ Trademark Registration... ..	40 00
“ Label Registration.....	15 00

The government and attorney fees are both included in the above. Preliminary examination, drawings, and all cost, (excepting extra government fee in case of appeal,) are therein provided for. Should the extended character of any invention, however, necessitate a greater cost, an estimate thereof will be given.

WASHINGTON, D. C., November 28th, 1882.

I am pleased to indorse Mr. Thos. B. Hall to parties desiring the services of a competent and thoroughly reliable Patent Attorney. During my connection with the Patent Office, I had full opportunity to ascertain Mr. Hall's fitness for the duties intrusted to him. A natural talent for mechanics, combined with a legal training, enables him to render most accurate and valuable services. I am convinced that abundant success will crown his practice, wherever he may locate, on leaving this city.

H. A. SEYMOUR,

*(Formerly Principal Examiner,
United States Patent Office.)*

COSTS.

Canadian Patent.....	\$50 00
British Provisional Patent	75 00
British Complete Patent.	150 00
(after first taking the Provisional Patent.)	
British Complete Patent.....	225 00
(without first taking a Provisional Patent.)	
French Patent.....	75 00
German Patent.....	75 00
Belgium Patent.....	60 00

The government and attorneys fees are both included in the above. Preliminary examination, drawings, and all cost, are therein provided for. Should the extended character of any invention, however, necessitate a greater cost, an estimate thereof will be given. The Foreign Associate Offices will aid in the prosecution of cases: but whenever amendments or arguments are required, they will be prepared here, and forwarded.

NEW YORK CITY, December 2d, 1882.

THOS. B. HALL, ESQ.,

My Dear Sir:

Your years of experience in connection with some of the most intricate cases before the Patent Office, your accurate comprehension of mechanical principles, and your thorough knowledge of the law governing patents, justify me in saying your profession is that for which you possess unusually favorable qualifications. In leaving Washington, to engage in practice in a new locality, your well-known energy, integrity, and standing in the profession, insure that abundant success which I predict for you. Yours very truly.

WORTH OSGOOD.

*(Late Principal Examiner,
United States Patent Office.)*

The Associate Office at Washington will aid in the prosecution of cases before the Patent Office: but will not prepare amendments or arguments, as the Writer prefers to draft all papers.

The growth of the patent system in the last quarter of a century in this country, has reached a stage in its progress, where the variety and magnitude of the interests involved, require legal accuracy, precision, and care in the preparation of all the papers on which the patent is founded.

Merrill vs. Yeomans et. al.

Supreme Court of the United States, 1876.

The statute requires copies of all patents as they issue, to be kept for free public inspection, among other designated depositories, in the United States Court at Cleveland, located on the Public Square. Ready reference can thus be had to such patents as the Examiners may cite. The Patent Office keeps on hand copies of all patents, for disposal at ten cents apiece; whenever the Applicant may desire to have copies of such patents as may be referred to in the Examiner's decisions, the Associate Office will be instructed to forward them, at the same time with the decisions. The theory governing the prosecution of each case, will be to personally give ample time and thought to the questions which arise herein; even to a greater degree, than is done by the office Examiner.

In order to thoroughly examine and decide the intricate questions which arise, the ablest and most experienced Examiners require sufficient time for mature consideration on each claim.

*Report of the Commissioner of
Patents for the Year, 1880.*

The Patent Office does not now require models, except in special cases. Hence the model by which drawings are to be prepared in application for patent, may be roughly made, as the draftsman will add artistic appearance. Instead of such model, sketches accurately representing the invention, will answer as well.

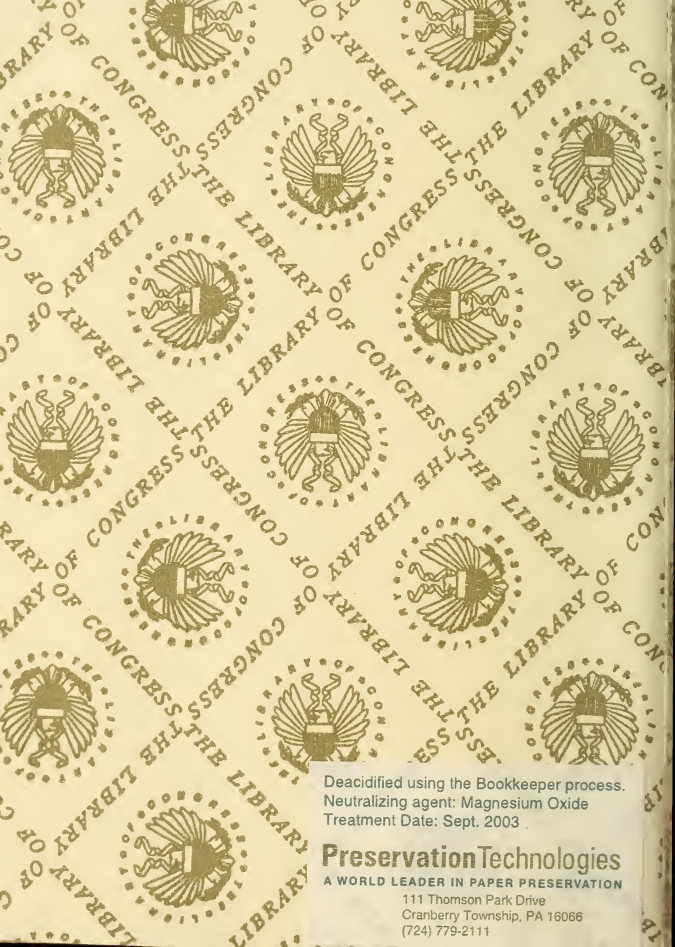
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